

RECEIVED
CENTRAL FAX CENTER

JUN 07 2006

CUSTOMER NO.: 24498

Serial No. 09/883,635

Reply to Telephone Conversation dated: 6/07/06

Response dated: 6/07/06

PATENT
PU010092

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Shu Lin et al.

Examiner: Mishawn Dunn

Serial No.: 09/883,635

Art Unit: 2616

Filed: June 18, 2001

Title: **Changing a Playback Speed for a Video Presentation Recorded in a Progressive Frame Structure Format**

RESPONSE TO TELEPHONE CONVERSATION WITH EXAMINER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Telephone Conversation of June 07, 2006.

- 1 -

CUSTOMER NO.: 24498

Serial No. 09/883,635

Reply to Telephone Conversation dated: 6/07/06

Response dated: 6/07/06

PATENT

PU010092

REMARKS

In a telephone conversation with the Examiner on June 7, 2006, the Examiner stated that the Applicant's claims 1-26 would be in allowable condition if the Applicant was to file a proper terminal disclaimer over two other applications owned by the Applicant. As such, the Applicant is herewith filing a proper terminal disclaimer as requested by the Examiner. None of the claims are amended by this response.

In view of the accompanying terminal disclaimer, the Applicant respectfully submits that none of these claims now pending in the Application are subject to a non-statutory Double Patenting rejection. In addition, the Applicant submits that none of these claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Thus the Applicant believes that all of these claims are now in allowable form.

Double Patenting

A. Judicially created obviousness type double patenting

In a telephone conversation of June 7, 2006, the Examiner stated that the Applicant's claims are rejected under the Judicially created doctrine of obviousness type double patenting as being unpatentable over the claims of U.S. Patent Application No. 09/883,547, now issued U.S. Patent No. 6,714,721.

The Applicant respectfully disagrees and believes that the above identified patent application and the above identified commonly owned U.S. Patent are unobvious in view of the other, however, to further the prosecution of the above identified patent application, the Applicant is submitting herewith a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c). As such, the Applicant submits that the basis for the Examiner's rejection of the Applicant's claims under the Judicially created doctrine of obviousness type double patenting has been

CUSTOMER NO.: 24498

Serial No. 09/883,635

Reply to Telephone Conversation dated: 6/07/06

Response dated: 6/07/06

**PATENT
PU010092**

removed. As such, the Applicant respectfully requests that the Examiner's rejection of the Applicant's claims be withdrawn.

B. Judicially created obviousness type double patenting

In a telephone conversation of June 7, 2006, the Examiner stated that the Applicant's claims are rejected under the Judicially created doctrine of obviousness type double patenting as being unpatentable over the claims of U.S. Patent Application No. 10/001,466, now issued U.S. Patent No. 6,707,984.

The Applicant respectfully disagrees and believes that the above identified patent application and the above identified commonly owned U.S. Patent are unobvious in view of the other, however, to further the prosecution of the above identified patent application, the Applicant is submitting herewith a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c). As such, the Applicant submits that the basis for the Examiner's rejection of the Applicant's claims under the Judicially created doctrine of obviousness type double patenting has been removed. As such, the Applicant respectfully requests that the Examiner's rejection of the Applicant's claims be withdrawn.

Conclusion

In a telephone conversation with the Examiner on June 07, 2006, the Examiner indicated that the Applicant's claims would be allowable if the Applicant submitted a terminal disclaimer citing commonly owned patent applications 09/883,547 and 10/001,466. As such, the Applicant is herewith filing a terminal disclaimer as requested by the Examiner.

The Applicant respectfully submits that, at least because of the timely filed terminal disclaimer submitted herewith, none of the claims presently in the above identified patent application, are subject to rejection under the Judicially created, non-statutory Double Patenting doctrine. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both

CUSTOMER NO.: 24498

Serial No. 09/883,635

Reply to Telephone Conversation dated: 6/07/06

Response dated: 6/07/06

**PATENT
PU010092**

reconsideration of this application and its swift passage to issue are earnestly solicited.

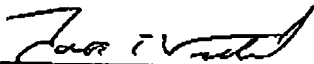
If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

The Terminal Disclaimer fee 37 CFR 1.20(d) is included herewith. It is believed that no additional fees or charges are currently due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

LIN et al.

By:


Jorge Tony Villabon, Attorney
Reg. No. 52,322
(609) 734-6445

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312

June 07, 2006

RECEIVED
CENTRAL FAX CENTER

Certificate of Transmission under 37 CFR 1.8

JUN 07 2006

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on JUNE 7, 2006.

Date


Signature

Patricia M. Fedorowycz

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

TO: Mail Stop AMENDMENT

ATTACHED: FEE TRANSMITTAL (PTO/SB/17) in duplicate;

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT
(PTO/SB/25); and

RESPONSE TO TELEPHONE CONVERSATION WITH
EXAMINER.

CUSTOMER NO.: 24498

Serial No.: 09/883,635

Docket No.: PU010092

Art Unit: 2616

Examiner: Mishawn Dunn

TOTAL NUMBER OF PAGES INCLUDING THIS SHEET: 8

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief

Approved for use through 07/31/2006. OMB 0651-0002
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
This form displays a valid OMB control number

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618).

FEE TRANSMITTAL

for FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete If Known

Application Number	09/663,628	RECEIVED CENTRAL FAX CENTER JUN 07 2006
Filing Date	June 16, 2001	
First Named Inventor	Shu Lin	
Examiner Name	Mishawn Dunn	
Art Unit	2616	
Attorney Docket No.	PU010092	

METHOD OF PAYMENT (check all that apply) **CUSTOMER NUMBER: 24498**

☐ Check ☐ Credit card ☐ Money Order

☐ None

☐ Other (please identify):

☒ Deposit Account: Deposit Account Number **07-0832**

Deposit Account Name: **THOMSON LICENSING INC.**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (Including Reissues)

Each independent claim over 3 (Including Reissues)

Multiple dependent claims

Total Claims - 20 or HP = x =

HP = highest number of total claims paid for, if greater than 20.

Independent Claims - 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
<u> </u> - 100 = <u> </u> / 50 = <u> </u> (round up to a whole number) x <u> </u> = <u> </u>				
				Fees Paid (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Fee for filing Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over A "Prior" Patent

\$130.00

SUBMITTED BY

Name (Print/Type)	JORGE TONY VILLABON	Registration No. (Attorney/Agent)	52,322	Telephone	(609) 734-6445
Signature	<i>Jorge T. Villabon</i>				June 7, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is in the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the nature of time you require to complete this (and/or) suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.